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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

Case No. LS9912151MED

RICHARD C. CARDILLO, M.D. :
RESPONDENT.

FINAL DECISION AND ORDER

The parties to this action for the purposes of Wis. Stats. §. 227.53 are:

Richard C. Cardillo, M.D.
7620 Inverness Lakes Dr.
Fort Wayne, IN 46804

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Medical Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Richard C. Cardillo, M.D., Respondent, date of birth July 22, 1955, is licensed but not currently registered, to practice medicine and surgery in the state of Wisconsin, by the Wisconsin Medical Examining Board pursuant to license number 32425, which was first granted July 24, 1991.
2. Respondent's last address reported to the Department of Regulation and Licensing is 7620 Inverness Lakes Dr., Fort Wayne, IN 46804.
3. Respondent's specialty is internal medicine, with a sub specialty in pulmonary medicine.
4. Respondent has not renewed his registration to practice medicine and surgery in Wisconsin since it expired October 31, 1997. Respondent made the decision not to renew his registration for personal reasons.
5. Pursuant to § 440.08(3), Stats., Respondent could renew his registration at this time, by providing evidence of having met the continuing education requirements and by payment of a late renewal fee.
6. During the time of the following events, Respondent practiced as a physician at the Midelfort Clinic in Eau Claire, WI. in the Pulmonary Medicine Service of the Internal Medicine Department.
7. On May 18, 1992, Respondent first met Ms. A, who was then 31 years of age, when Ms. A's family practice physician at the Midelfort Clinic referred Ms. A to Respondent for an

evaluation of persistent chest pain with breathing. Respondent determined that further diagnostic testing was required to determine the cause of Ms. A's symptomatology.

8. On May 20, 1992, at Respondent's direction, Ms. A underwent a methacholine challenge performed at Luther Hospital in Eau Claire. The results of the study were positive for asthma, and Respondent provided Ms. A with an inhaler and a prescription for prednisone.

9. On May 29, 1992, Ms. A saw Respondent for follow up regarding the effects of the inhaler and medication. Respondent's diagnostic impression was asthma. In addition on that date, Ms. A was seen for a surgical consult. After making his note of the consultation, the surgeon had Ms. A's chart sent to her family practice physician and to Respondent for review.

10. On July 16, 1992, Respondent saw Ms. A for follow up at Midelfort Clinic, and continued her on a course of medication.

11. On August 14, 1992, Ms. A called Respondent's office with complaints of shortness of breath. As a result of that call, on August 18, 1992, Respondent saw Ms. A at the Midelfort Clinic, ordered an electrocardiogram for Ms. A and read the results. He also provided her with a non-narcotic analgesic for her pain.

12. On September 29, 1992, Ms. A was hospitalized at Luther Hospital for repair of a right femoral hernia. Respondent was not involved in the surgery, but was paged to check Ms. A's breathing prior to surgery. Respondent was out of town and his partner responded to the page.

13. From October 19 to 24, 1992, Ms. A was hospitalized at Sacred Heart Hospital for resection of a hemangioblastoma (a benign tumor in the brain). Respondent was not involved in the surgery, but Respondent was consulted by her physicians regarding her asthma. During that hospitalization, Respondent saw Ms. A on October 21 and 22.

14. Later in the Fall of 1992 Respondent and Ms. A had several telephone conversations. Ms. A usually initiated the calls with an issue about health insurance problems or problems which Respondent believed should have been addressed by Ms. A's family practice physician. After the issue that precipitated a call was discussed, the balance of each call was mostly of a social nature.

15. Although Ms. A did not see Respondent for scheduled appointments following the October surgery, Respondent never advised Ms. A that he was no longer her physician, and Ms. A could have reasonably understood that Respondent would continue to provide Ms. A with professional services for any pulmonary related issues which might arise.

16. Approximately a week before Christmas, 1992 Ms. A brought Respondent a gift at his office. Respondent invited Ms. A to lunch, which she accepted. During the lunch, Respondent and Ms. A discussed personal issues, including their marriages. After lunch, Respondent dropped Ms. A off at her car, said good-bye, and kissed her on the cheek.

17. In early 1993, Respondent and Ms. A frequently exchanged telephone calls of a social nature, as often as every other day.

18. From November, 1992 through Spring, 1993, Ms. A continued seeing her neurosurgeon for follow up to determine if additional neurosurgery was required.

19. Approximately April 1, 1993, Ms. A and her family, who had resided in a community twenty-five miles from Eau Claire, moved to Eau Claire. Respondent and Ms. A exchanged telephone calls several times per week and Respondent visited her a number of times at the retail establishment where Ms. A was employed. Respondent and Ms. A had lunch together at restaurants a few more times.

20. On April 14, 1993, Respondent and Ms. A had lunch at a restaurant in Eau Claire. After lunch, Respondent accompanied Ms. A to her house where they kissed on the couch.

21. On April 15, 1993 Ms. A's neurosurgeon noted that an MRI taken of Ms. A's head two days earlier showed problems that might require repeat surgery.

22. From April 21 through June 2, 1993, Respondent and Ms. A had lunch at various area restaurants, and on one occasion attended a major league baseball game in Minneapolis..

23. On May 19, 1993 Ms. A's neurosurgeon noted Ms. A might require further surgery or radiation therapy.

24. On or about June 3, 1993, Respondent stopped by Ms. A's house after a late night hospital consultation, and Respondent had sexual intercourse with Ms. A for the first time.

25. After June 3, 1993 to the time their personal relationship ended in April, 1995, Respondent and Ms. A had sexual intercourse on numerous occasions.

26. On July 20, 1993 Ms. A was seen by her neurosurgeon. After making his note of the consultation, the neurosurgeon had Ms. A's chart sent to Respondent for review.

27. On November 12, 1993, Ms. A was seen by her neurosurgeon. After making his note of the consultation, the neurosurgeon had Ms. A's chart sent to her family practice physician and to Respondent for review

28. On October 18, 1994 Ms. A had an MRI of her head at Luther Hospital. The outpatient registration for that procedure, which was prepared from information provided by Ms. A, identified Respondent as Ms. A's primary doctor. The family practice physician who originally referred Ms. A to Respondent actually continued as Ms. A's primary physician at that time.

29. On November 23, 1994, Ms. A was seen by her neurosurgeon. After making his note of the consultation, the neurosurgeon had Ms. A's chart sent to her family practice physician and to Respondent for review.

30. On January 11 and 13, 1995, Ms. A was seen by her neurosurgeon. After making his note of each consultation, the neurosurgeon had Ms. A's chart sent to Respondent for review.

31. From January 27, 1995 to February 8, 1995, Ms. A was hospitalized at Luther Hospital where she underwent surgery for recurrence of her hemangioblastoma. Respondent saw Ms. A during this admission and followed her progress until discharge, making entries into her hospital chart on January 27, 28, 29, 30, and 31, and February 3, 1995.

32. On February 22 and 27, and March 6 and 7, 1995, Ms. A was seen by her neurosurgeon. After making his note of each consultation, the neurosurgeon had Ms. A's chart sent to her family practice physician and to Respondent for review.

33. From March 8, 1995 to March 20, 1995 Ms. A was hospitalized at Luther Hospital for reopening of the craniotomy and dural repair. On March 10, 1995, Respondent requested in Ms. A's chart that Ms. A be added to his census and ordered an anti-nausea medication for Ms. A.

34. On April 23, 1995, Respondent and Ms. A ended their relationship.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction over this matter pursuant to § 448.02(3), Stats.

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. The Respondent's conduct, as described above, constitutes unprofessional conduct as defined by § 448.02(3), Stats. and Wis. Adm. Code § MED 10.02(2)(h).

ORDER

1. The right of Richard C. Cardillo, M.D. to renew his registration to practice medicine and surgery in the state of Wisconsin is hereby SUSPENDED for one year from the date of this order.

2. Following one year from the date of this order, Respondent may renew his registration only after first providing proof sufficient to the Board, or its designee, of Respondent's satisfactory completion of a full-day program addressing the issue of health care provider - patient relationship boundaries, which program shall first be approved by the Board or its designee.

3. Any request for approval of an educational program and evidence of completion of the education required by this order shall be mailed or delivered to:

Department Monitor
Department of Regulation And Licensing
Division of Enforcement

1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

4. Respondent shall bear all costs incurred as a result of satisfying this Order.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 15th day of December, 1999.

/s/ Ronald Grossman, M.D.
Ronald Grossman, M.D.
Secretary
Medical Examining Board